

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1399

Introduced by ~~Senator Vasconcellos~~ *Senators Vasconcellos and Romero*

February 18, 2004

An act to add Chapter 9 (commencing with Section 3090) to Title 1 of Part 3 of the Penal Code, and to add Section 1768.5 to the Welfare and Institutions Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 1399, as amended, Vasconcellos. Prisoners: rehabilitation.

Existing law requires the Director of Corrections to cause each person newly committed to state prison to be examined and studied, as specified, in order to, among other things, aid in the person's rehabilitation.

This bill would make various findings and declarations with respect to the corrections system.

This bill would require the director to cause each person who becomes subject to the Department of Corrections on or after January 1, 2005, with the exception of inmates serving a sentence of imprisonment for life without the possibility of parole, within 90 days of entry, to be evaluated, as specified, with respect to his or her educational and vocational level of development and capacity and with respect to his or her psychosocial level of development and ability to lead a constructive life. This bill would require that a program be prescribed and implemented for the inmate, based upon these evaluations, that addresses his or her deficient levels of educational, vocational, and psychosocial development, as specified, so as to better equip him or her to lead a constructive life upon release from prison.

This bill would also require the Director of Corrections to make a parenting education course available to every inmate incarcerated in the state corrections system who is serving a sentence for a crime involving his or her child or a child formerly under his or her care. This bill would require the parenting course to be susceptible of completion within the sentence of the inmate, as specified, and would prohibit a reduction in the sentence for an inmate who failed to complete an available parenting course. This bill would further provide, commencing in the 2005–06 fiscal year, for the application of these provisions, subject to the availability of funding and other specified conditions, to other inmates incarcerated in the state corrections system.

This bill would also require the Department of the Youth Authority to make a parenting course available to wards confined by that department under similar conditions and criteria.

This bill would provide that the sole remedy available to an inmate or ward who is eligible for, but does not receive, the assessment, rehabilitation program, or education course described in these provisions shall be to file a petition for a writ of mandate to compel the department or the director to provide that assessment, rehabilitation program, or education course.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) California law states that “the Legislature finds and
4 declares that the purpose of imprisonment for crime is
5 punishment.”

6 (b) *The purpose of our entire system of law enforcement and*
7 *corrections ought to also be to promote the public safety of all*
8 *Californians. In fact, further research shows virtually all police*
9 *officers killed in the line of duty by another person was killed by*
10 *an ex-felon.*

11 (c) *The manner in which our current system of corrections is*
12 *operating is counterproductive to the goal of promoting the public*
13 *safety of all Californians. The Little Hoover Commission, a*
14 *government watchdog agency on efficiency says “California’s*
15 *parole system is a billion dollar failure. Forty-eight other states do*



a better job of getting parolees from the prison rolls to the tax rolls. In general, they rely more on education, job training, and drug treatments to keep parolees from coming back to prison...’.

(d) California’s rate of recidivism is—very extraordinary high;: more than one in every two inmates paroled returns to prison; when compared to those of other comparable industrial states and other—industrial—western western nations.

(e) The manner in which our current system of corrections is operating is counterproductive to the goal of promoting the public safety of all Californians.

*(d) —
(e) We owe it to the people of the State of California and their safety to far better attend systematically to the constructive rehabilitation of each of our prison inmates prior to his or her release from prison so as to better enable each of these inmates, upon emerging from prison into our midst, to—do so live constructively, and to not further endanger public safety.*

(e) The purpose of our entire system of law enforcement and correction ought to also promote the public safety of all Californians.

*(f) This measure proposes to reform the corrections system to
(f) The experience of other states (notably Maryland, Minnesota, and Ohio) demonstrates that the type of program proposed in this measure reduces recidivism by nearly 23 percent and that investment in this type of program pays off and saves taxpayer dollars by two dollars (\$2) in prison costs for every one dollar (\$1) invested.*

SEC. 2. By enacting this measure the Legislature intends to profoundly transform our corrections system to enable it to live up to its name, and to advance and ensure the public safety of all Californians by attending to the cure and development of inmates in ways that hold the most promise for enabling each of them to cure, or at least curb, his or her dangerous ways before his or her release from prison back into our midst such that each of them thereafter poses no further threat to our public safety.

SEC. 2.—

SEC. 3. Chapter 9 (commencing with Section 3090) is added to Title 1 of Part 3 of the Penal Code, to read:

CHAPTER 9. REHABILITATION OF PRISONERS

3090. (a) For each inmate who becomes subject to the jurisdiction of the Department of Corrections on or after January 1, 2005, with the exception of inmates who are serving a sentence of imprisonment for life without the possibility of parole, all of the following apply:

(1) The Director of Corrections shall cause both of the following to occur:

(A) Within 90 days of entry, the inmate shall be evaluated in an open, public, and comprehensive way with respect to his or her educational and vocational level of development and capacity.

(B) Within 90 days of entry, the inmate shall be evaluated comprehensively with respect to his or her psychosocial level of development and ability to lead a constructive life.

(2) Based on the evaluations conducted pursuant to paragraph (1), the Department of Corrections shall prescribe and implement a smart, comprehensive rehabilitation program that addresses his or her deficient levels of educational, vocational, and psychosocial development, so as to better equip him or her to lead a constructive, safe life upon his or her release from prison into our midst, as follows:

(A) The educational program shall be provided, as needed insofar as the length of sentence allows, to enable each inmate to qualify to pass the California high school equivalency certificate test and obtain a California high school equivalency certificate, or high school equivalent, while the inmate is incarcerated, if the inmate has not yet advanced to that educational level.

(B) The psychosocial program shall be provided, as needed to enable each inmate to measure up to a standard of normalcy and capacity to behave constructively and to lead a self-sufficient life, according to a team of mental health experts appointed by the Director of Corrections.

(C) The vocational capacity program shall be provided as needed to equip each inmate to measure up to a set of vocational standards, according to a standard skills level determined by an advisory team appointed by the Director of Corrections, consisting of persons knowledgeable in the arenas of employment and vocational education.

(b) This program *shall be* monitored annually and assessed by the office of the Inspector General, which shall annually report to the Legislature and Governor with respect to the following:

(1) How well the program is being operated to live up to its purpose, goals, and mandates.

(2) How the program could and should be improved.

(3) Whether the program is proving successful in reducing recidivism and improving the public safety of Californians.

(c) An inmate who is eligible for, but does not receive, the assessment and rehabilitation program described in this section may file a petition for a writ of mandate to compel the department to provide that assessment and program. This remedy is the sole remedy for a failure to provide the assessment and program.

3091. (a) The Director of the Department of Corrections shall make a parenting education course available to every inmate incarcerated in the state corrections system who is serving a sentence for a crime involving his or her child or a child formerly under his or her care. The parenting course shall be designed to be susceptible of completion within the sentences of these inmates, as adjusted for eligible work, behavior, or other reduction. However, no otherwise applicable reduction may be applied to the sentence of any of these inmates who fails to complete this parenting education, if the education is provided as required by this subdivision.

(b) Commencing in the 2005-2006 fiscal year, *to the extent that funds are appropriated for this purpose, with priority given to each inmate based upon the imminence of his or her release*, subdivision

(a) also applies to all other inmates subject to the jurisdiction of the Department of Corrections, with the exception of inmates who are serving a sentence of imprisonment for life without the possibility of parole, ~~to the extent that funds are appropriated for this purpose~~. The department shall accord highest priority, in expending funds made available for this purpose, to those inmates who are nearest to release from custody.

(c) ~~If~~ Once sufficient funds have been made available to apply subdivision (a) to all inmates described in subdivisions (a) and (b), upon a statutory finding and declaration by the Legislature that the application of subdivision (a) to inmates who are serving a sentence of imprisonment for life without the possibility of parole would contribute to the safety of individuals who are operating and

1 residing in the state prison, subdivision (a) shall also apply to these
2 inmates to the extent that funds are appropriated for this purpose.

3 *(d) An inmate who is eligible for, but does not receive, the*
4 *education course described in this section may file a petition for*
5 *a writ of mandate to compel the department to provide that*
6 *education course. This remedy is the sole remedy for a failure to*
7 *provide the education course.*

8 SEC. 3. Section 1768.5 is added to the Welfare and
9 Institutions Code, to read:

10 1768.5. *(a) The Director of the Youth Authority shall make*
11 *a parenting education course available to every ward confined by*
12 *the department who is serving a sentence for a crime involving his*
13 *or her child or a child formerly under his or her care. The parenting*
14 *course shall be designed to be susceptible of completion within the*
15 *terms of confinement of these wards, as adjusted for eligible work,*
16 *behavior, or other reduction. However, no otherwise applicable*
17 *reduction may be applied to the term of confinement of any of*
18 *these inmates who fails to complete this parenting education, if the*
19 *education is provided as required by this section.*

20 *(b) A ward who is eligible for, but does not receive, the*
21 *education course described in this section may file a petition for*
22 *a writ of mandate to compel the director to provide that education*
23 *course. This remedy is the sole remedy for a failure to provide the*
24 *education course.*

25 SEC. 4. It is the intent of the Legislature that the program
26 described in Section 2 of this bill be sufficiently funded and fully
27 implemented so that each inmate is enabled to prepare himself or
28 herself to reenter our community and live constructively and
29 safely.

